

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6540 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYENDRAKUAR MANISHANKER BHATT

Versus

DIRECTOR, MARINE NATIONAL PARK, JAMNAGAR

Appearance:

MR DN PANDYA for Petitioner

MR HL JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/12/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. It is not in dispute that under the order dated 7-12-1982 the petitioner was given the appointment purely on temporary and ad hoc basis for 29 days. Even if we go by the facts stated by the petitioner to be correct then he was given fixed term appointments from time to time and last appointment came to an end on 31st December,

1984. These appointments were only for fixed terms which does not give any right to the petitioner to continue on the post. Moreover the very induction of the petitioner in the services for 29 days was illegal and in violation of Articles 14 and 16 of the Constitution. In view of the decision of this Court in the case of Bhanmati Tapubhai Muliya vs. State of Gujarat reported in 1995 (2) GLH 228 the petitioner has no case whatsoever.

3. So far as the contention made by the counsel for the petitioner regarding violation of section 25-F of the Industrial Disputes Act in terminating the services of the petitioner is concerned, it is suffice to say that this contention also does not stand to any merits now in view of the latest pronouncement of the Hon'ble Supreme Court in the case of Himanshukumar Vidyarthi vs. State of Bihar reported in 1997 (4) SCC 391.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-